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*Attorneys for Defendant Home Depot U.S.A., Inc.
(named erroneously as The Home Depot, Inc.)*

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH – CENTRAL DIVISION

NANETTE BELL-BLUNT,

Plaintiff,

vs.

THE HOME DEPOT, INC., JOHN DOE,
JANE DOE, DOE CORPORATIONS,

Defendants.

**DEFENDANT HOME DEPOT U.S.A.,
INC.’S NOTICE OF REMOVAL OF
ACTION UNDER 28 U.S.C. §§ 1332, 1441,
AND 1446 (DIVERSITY JURISDICTION);
DEMAND FOR JURY TRIAL**

Civil No. 2:22-cv-00468

Judge Daphne A. Oberg

Pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, Defendant, Home Depot U.S.A., Inc.
(named erroneously as The Home Depot, Inc., and hereinafter “Defendant”), by and through its
counsel of record, Snow, Christensen & Martineau, hereby gives notice of removal of the civil
action pending in the Third Judicial District Court for Salt Lake County, State of Utah, entitled

Nanette Bell-Blunt v. The Home Depot, Inc., John Doe, Jane Doe, Doe Corporations, Case No. 220903484, to this Court. The grounds for removal are as follows:

1. On June 9, 2022, Plaintiff filed a Complaint against the Defendants in the Third Judicial District Court of Salt Lake County, State of Utah, by filing an action styled *Nanette Bell-Blunt v. The Home Depot, Inc., John Doe, Jane Doe, Doe Corporations*, Case No. 220903484 (the “State Court Case”). The Complaint is attached hereto as Exhibit 1 to this Notice of Removal.

2. Defendant Home Depot U.S.A., Inc. was served through its registered agent on June 15, 2022. Proof of Service is attached hereto as Exhibit 2.

3. The Complaint alleges that Plaintiff Nanette Bell-Blunt was injured, that the alleged incident underlying the Complaint occurred in Salt Lake County, State of Utah, and that she is a resident of Salt Lake County, State of Utah.

4. Both at the time that this action was commenced and at this time, Home Depot U.S.A., Inc. was incorporated in Delaware and has its principal place of business in Georgia. Home Depot’s corporate offices are located in Atlanta, Georgia, where its finance, accounting, purchasing, treasury, marketing, training, human resources, information systems, internal audit, and legal departments are located, making policy decisions that affect the entire company. “[P]rincipal place of business’ refers to the place where a corporation’s officers direct, control, and coordinate the corporation’s activities... i.e., the ‘nerve center.’” (*Hertz Corp. v. Friend*, 130 S.Ct. 1181, 1184 (U.S., 2010).) “For purposes of removal... the citizenship of defendants sued under fictitious names shall be disregarded.” (28 U.S.C. §1441(a).)

5. Defendant Home Depot U.S.A., Inc. is a foreign corporation authorized to do business in the State of Utah.

6. Defendant Home Depot U.S.A., Inc. filed its Answer in Third Judicial District Court on July 14, 2022. A copy is attached as Exhibit 3.

7. Removal of this action is timely under 28 U.S.C. §1446(b)(1) as it is filed within thirty days from the date of service upon Defendant.

8. Removal of this action is proper under 28 U.S.C. §§ 1332(a) and 1441(b). This Court has diversity jurisdiction over this matter as Defendant is a foreign corporation, and is not domiciled in the State of Utah. In addition, by virtue of having filed her Complaint under Tier 3, Plaintiff seeks damages in excess of \$75,000, the jurisdictional requirement.

9. Removal of this action is timely under 28 U.S.C. §1446(b) and the removal is proper based upon diversity of citizenship of the parties. Accordingly, the requirements of 28 U.S.C. §1441(a) are met.

10. Notice of this removal is being served this date upon counsel for the Plaintiff.

11. A true and correct copy of this Notice is being filed this date with the Clerk of the Third Judicial District Court in and for Salt Lake County, State of Utah.

12. As referenced above, a copy of the original Complaint along with proof of service are attached and included as Exhibits 1 and 2. Also included in Exhibit 1 is the electronic notification filed in the State Court Case. Exhibit 3 is a copy of the Answer. Attached as Exhibit 4 is a copy of the electronic docket for the State Court Case. Pursuant to DUCivR 81-2, a copy of

the State Court's Notice of Event Due Dates is attached as Exhibit 5. This constitutes all process, pleadings and orders.

Based on the foregoing, Defendant hereby removes the action against it from the Third Judicial District Court in and for Salt Lake County, State of Utah, to the United States District Court for the Central District of Utah.

DATED this 14th day of July, 2022.

SNOW CHRISTENSEN & MARTINEAU

/s/ Robert W. Thompson
Robert W. Thompson
Attorneys for Defendant Home Depot U.S.A., Inc.

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of July, 2020, the foregoing **DEFENDANT HOME DEPOT U.S.A., INC.'S NOTICE OF REMOVAL OF ACTION UNDER 28 U.S.C. §§ 1332, 1441, AND 1446 (DIVERSITY JURISDICTION); DEMAND FOR JURY TRIAL** was filed electronically with the Court through its CM/ECF system, which will send notice of same to the following:

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/s/ Robert W. Thompson_____